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HSCA
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Summary Points on HSCA Hearings

1. The HSCA has scheduled hearings on the assassination of President Kennedy for weekdays, 6 - 29 September. Preliminary hearings on the assassination of Martin Luther King are to be 14 - 18 August and November.
2. Areas of apparent emphasis appear to be CIA coverage in Mexico City, and issues arising from the questions of Nosenko's bona fides. On the Nosenko matter, CIA's treatment of Nosenko is also under scrutiny.
3. The Mexico City story is essentially, in terms of Agency coverage, one of sources-and-methods. Aspects of the Nosenko story also involve sensitive matters.
4. Recent handling of restricted Agency material (press release), without checking with the Agency, may indicate lack of concern about sensitive matters.
5. HSCA has failed, despite repeated requests, to discuss with the Agency how to handle sensitive matters in public hearings.
6. Agency employees called to testify may be faced with the dilemma of violating their secrecy oath or risking a contempt citation.
7. The matter tends to become political, in addition to whatever legal questions there are.

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HSCA Hearings

I. The HSCA has scheduled public hearings for August, September, and November.

- The King hearings are 14-18 August, and 9, 10, 13-17, 20, 21, 22, 25-29 November. It appears that CIA is unlikely to feature in in these hearings, although this is only an impression.
- The Kennedy hearings are to be on week days, 6-29 September. CIA doubtless will share the stage with the FBI.

II. We have requested the HSCA Staff for information on the plans for the hearings, with special attention to the security considerations, (orally on 29 June and 13 July, and in writing from the DDCI on 26 July and 4 August). To date what we know about plans was acquired from The Congressional Monitor.

- It has been the practice of the HSCA Staff to avoid dialogues, the effect of which is to conceal much of what they are doing or thinking. The resulting frustrations of trying to cooperate with the investigation are not important; inevitably we

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are provided partial insights into areas of interest, if not the details. The significance of the tactic, however, grows as public hearings approach, involving as they do subject matter that we view as having considerable sensitivity and importance to CIA.

III. We obviously do not know all the lines of inquiry pursued by HSCA investigators. They have undertaken to reconstruct as much as possible about Oswald and the assassination of President Kennedy. They also are attempting to develop an evaluation of the performance of the intelligence agencies in the investigation. Two areas of special interest have become evident, both of which involve sensitive operational considerations:

Mexico City

- Mexico City is considered one of the most important bases for Soviet clandestine operations against the United States. As a result Soviet and Cuban diplomatic installations have long been the subject of CIA surveillance operations, conducted both unilaterally by CIA as well as jointly with the Mexican authorities.
- Telephone and photographic coverage of the Soviet installations is carried on, as well as physical

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surveillance. The Mexican authorities share the telephone operations with us; it is against Mexican law for them to be engaged in this activity. They are aware of the fact of photographic surveillance.

- Because of the telephonic coverage CIA was able to provide the initial firm evidence on Oswald's contacts with Cuban and Soviet officials, in his attempt to obtain visas to Cuba and the USSR. CIA, limited in not being able to conduct a traditional police-type investigation, was able to suggest to the Mexican authorities that they interview at least one person known to have dealt with Oswald during his visit. However, gaps remain in what is known about his visit. This has attracted HSCA attention.
- The reported questioning of some HSCA investigators has on occasion appeared to be developing a basis for criticizing CIA's performance in its part of the investigation in Mexico City, under its charter to evaluate the performance of the intelligence agencies. At one time, and possibly still, they appeared to be attempting to develop a case to the effect that (1) there was photography,

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and (2) CIA must have suppressed it.

- Practically all the above CIA reporting on Mexico City involves classically sources-and-methods material.

Nosenko

- Yuri Nosenko was a KGB officer who defected in early 1964. Among the items of information that he asserted he brought with him was knowledge about Lee Harvey Oswald, from his file in the KGB.
- The bona fides of Nosenko's defection was the subject of doubts and he was subjected to extensive interrogation. He was in the custody of CIA for some five years, under laws concerning such persons, some three years of which was in solitary confinement under what the Rockefeller Commission termed "extremely spartan living conditions."
- Eventually Nosenko was judged to be a bona fide defector. He has proven to be the source of a wide range of information on many hundreds of KGB officers, and KGB operations abroad, as well as about the KGB. Over the years his information has been responsible for a number of successful counterintelligence initiatives by either the

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U.S. or its allies.

- The recent book about Oswald, Legend, by Epstein, has dramatized Nosenko's defection, repeating the early doubts about him and leaving the strong implication that he is still to be doubted. Recently the HSCA investigators seem to have shifted the emphasis of their inquiry from this issue to how Nosenko was handled; this judgment may be in error and the issue of his bona fides may return during the hearings.
- CIA did mistreat Nosenko. He was kept in solitary confinement, he was given a minimum diet, he was allowed few comforts, and he was subjected to intensive interrogation for extended periods of time. He believes that he was subjected to drugs, but there is no record that such was the case; those who were involved say he was never subjected to drugs, although it was considered once and rejected.
- The question of the bona fides of Nosenko's defection could involve matters that have sensitive connotations; however, a decision to emphasize only his mistreatment would be only embarrassing to the Agency.

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IV. In the absence of agreement with the HSCA on how sensitive matters are to be handled in its public hearings, the Agency may face the dilemma of how to protect intelligence sources and methods.

- Current employees could find themselves faced with the dilemma of abiding by their secrecy oath and requesting to be excused from testifying, but having to choose between a contempt citation and violation of the secrecy oath.
- Against the possibility that HSCA does not undertake to work with us on this problem, we may have to give notice to the employees of the problem. A draft letter has been prepared (copy attached) for forwarding to present and current employees who have been interviewed by the HSCA. Its limitations are apparent, in that it serves primarily to apprise the employee of his or her dilemma.
- OGC will request further advice from the Attorney General.

V. Should the most pessimistic development come to pass, the situation will be more political than legal. The fact is that time is of the essence, and any stretch-out will reduce the time in which the Agency can react with considered judgments, either in cooperating in the public

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hearings or in opposing their conduct because of absence of adequate means for protecting sensitive subject matter.

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Dear _____,

The Agency's records indicate that you have been contacted by representatives of the House Select Committee on Assassinations (HSCA) in conjunction with the Committee's investigation into the deaths of President John F. Kennedy and the Rev. Martin Luther King.

As part of the Agency's effort to be fully responsive to the Committee's investigation, you were authorized to disclose classified information to Committee representatives. This was possible because of arrangements worked out between the Agency and the Committee whereby the Committee would obtain this information in secure surroundings and handle it properly once it was acquired.

The Committee has indicated that it plans to hold public hearings in conjunction with its investigation. These hearings are to commence this month and stretch over the next several months. The Agency, of course, has no way of knowing whether you will be called to appear during these public hearings.

You are hereby advised that the Agency's agreement with the Committee under which you have been authorized to disclose classified information to Committee representatives does not extend to public circumstances. Consequently, you are not authorized to disclose classified information during any public hearing in which you may be called to appear.

If you are called to appear in these hearings, and if you are asked a question which would require that you disclose classified information, you are entitled to point out this fact to the Committee and indicate that you are not authorized to reveal classified information in public circumstances. You should also indicate to the Committee that you are quite prepared to answer the question in an executive session, and you may request that the Committee convene such a session to hear your response.

If the Committee were to insist upon your testimony at this point, you are entitled to request that the Committee grant you an opportunity to confer with the Director of Central Intelligence before answering the question.

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It is my opinion that the Committee would not continue to insist in the face of these responses from you. However, were it to do so, you must at this point use your own judgment as to how to respond, since your continuing refusal to answer could result in your being found in contempt of Congress.

If you are notified that you are to appear before the Committee in these public hearings, please notify the Agency of this fact promptly. You may do so by making a collect telephone call to the Agency's security duty officer, who can be reached at (703) 351-6161 at any time, day or night. If you have any questions concerning this letter, please indicate that fact to the duty officer, who will arrange for an appropriate Agency offficer to return your call.

Yours truly,

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Distribution:

1 - Mr. Hitz/OLC
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2 - SA/DDCI
1 - Mr. McMann/DDO
1 - Mr. Carpentier/OLC
1 - Mr. Blake/DDA
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1 - SDB Chron
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